IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Bail Appl..No. 7505 of 2006()

CMP..3082/2006 of J.M.F.C.-II,TRIVANDRUM
CRIME NO.56/06 OF THUMBA POLICE STATION.

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PETITIONER/4TH ACCUSED(PARTY IN CUSTODY)

LAL, S/O.THANKAPPAN,
CHITHAMBARAVILAKATHU VEEDU, MULLUVILA,
ATTIPRA DESOM, ATTIPRA VILLAGE.

BY ADV. SRI.M.SREEKUMAR

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7505 OF 2006

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DATED THIS THE 15th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the 4th accused in Crime No.56/06 of Thumba Police Station for offences punishable under sections 143, 147, 148 and 304 read with section 149 IPC and sections 3 and 5 of the Explosive Substances Act, 1908, seeks his enlargement on bail. He was arrested on 16.10.2006.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that no final report has been filed, even after 90 days judicial custody of the petitioner. If so, the petitioner is entitled to bail as of right by virtue of the proviso to section 167(2) Cr.P.C.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Thiruvananthapuram and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the Police, till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn